Crl W.P. 104 of 2006 (M/B)
With
Urgency App. No. 579 of 2006
Stay App. No. 580 of 2006

Hon. P.C. Pant, J.

Heard.

By means of this writ petition moved under Article 226 of the Constitution of India, the petitioner has sought quashing of the first information report and the stay of arrest in crime case No. 130 of 2006 registered at P.S. Khatima, District Udham Singh Nagar under Section 420 and 506 of the I.P.C.

The F.I.R. as well as the petition, discloses that the passport of the complainant was received by the petitioner (accused). The complainant has alleged that his passport was not delivered to him by the petitioner. The petitioner alleges that he had already delivered the passport of complainant to him.

It is a pure question of fact which cannot be decided in the proceedings under Article 226 of the Constitution of India, at this stage, when the investigation is going on. This Court is not inclined to interfere in the matter under Article 226 of the Constitution of India.

Therefore, the petition is dismissed with the observation that if the petitioner surrenders and bail application is moved on his behalf, his bail application shall be heard by the trial court, without unreasonable delay.

The urgency application and stay application both stand disposed of.

Dt. 01.02.2006 (P.C. Pant, J.)
HN Vacation Judge